

# **UKSG Licensing seminar: Licensing for users abroad**

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**Also known as: Licensing for TNE**

**What is TNE?**

# **The Universities UK International (UUKi) definition:**

## **Transnational education (TNE) is...**

“Education delivered in a country other than the country in which the awarding institution is based, e.g. students based in country Y studying for a degree from a university in country Z.”

UK HE TNE refers to UK degree programmes delivered outside of the UK.

**Ah! I don't have to worry about TNE!**

# **Licensing for TNE: The UK university library context**

Oh! I think that I *do* have to worry about TNE...



# Licensing for TNE

## The UK HE library context

An often complex interaction of:

- Semantic complexity
- Licence uncertainty
- Publisher clarifications/negotiations
- Resourcing limitations
- Budgetary limitations
- Technical challenges
- Institutional pressures
- Time pressures





# Common library experiences (1)

## UK HE Libraries are not involved soon enough

They are typically:

- Responding to speculative enquiries relating to potential / upcoming provision scenarios
- Discovering a provision scenario exists after it's established and needs content
- Navigating mismatched expectations regarding content being available to support provision scenarios
- Undertaking large scale projects undertaken to ensure library licensed collections can be used in support of TNE

***All this, with uncertainty about the students in question's contractual affiliation***

## Common library experiences (2)

### What are UK HE libraries trying to achieve?

- Flexible content delivery to all their TNE provision scenarios
- A manageable administrative - and resourcing - burden
- A reasonable, transparent and reportable financial burden
- Ready access to relevant student data that they can use
- Greater clarity about the nature of provision scenarios
- A shared and consistent language to adopt with content owners

***All this, with no additional flexibility within library budgets***

**Licensing for TNE:  
Who can legitimately access your licensed resources?**

# The primary task...

Establishing how TNE students studying for an award from your institution map to your numerous - and inconsistent – content licences.

Can they be considered Authorised Users...?

And if so, for what content offerings.



## Jisc model licence - Licence grant

Publisher hereby grants to the Institution:

- a non-exclusive, non-transferable right and licence for the Subscription Period:
  - to access and make Permitted Use of the **Licensed Material**; and
  - to permit **Authorised Users** to access and make Permitted Use of the Licensed Material; and
- in respect of Continuing Licensed Material (if any), a perpetual, irrevocable, non-exclusive rights and licence:
  - to access and make Permitted Use of the Continuing Licensed Material; and
  - to permit Authorised Users to access and make Permitted Use of the Continuing Licensed Material.

Except as expressly provided in this Licence, such access shall be on the Publisher Platform through **Secure Authentication**.

# Jisc model licence – Authorised Users

## Authorised User means...

...an individual who is authorised by the Institution to have access to its information services via Secure Authentication and who is:

- a current student **registered** with the Institution (including undergraduates and postgraduates);
- an alumnus of the Institution;
- a contractor of the Institution; or
- a member of staff of the Institution (whether permanent or temporary, including retired members of staff and any teacher who teaches students registered with the Institution); or

without prejudice to Clause 4.2, a Walk-In User

# **‘Registration’, and what Jisc means by this**

**Higher Education Statistics Agency (HESA) – statutory reporting, via the Aggregate Offshore Record (AOR)**

Annually reported data, relating to students studying wholly outside the UK, who are *either*:

- ‘registered’ with the reporting UK University and studying for an award from them, *or* ;
- studying for an award from a UK University, but in a scenario where their contractual relationship with the university is less clear.

# Student 'registration', and what it means

## UK Higher Education funding council definition(s)

*'A student registration is a binding agreement between a student and an organisation for the delivery of educational services, within the meaning of "Stage 3: enrolment stage" in the Competition and Markets Authority's advice for HE providers on consumer protection law.'*

## UK Higher Education Statistics Agency (HESA)



## Licences other than the Jisc model licence

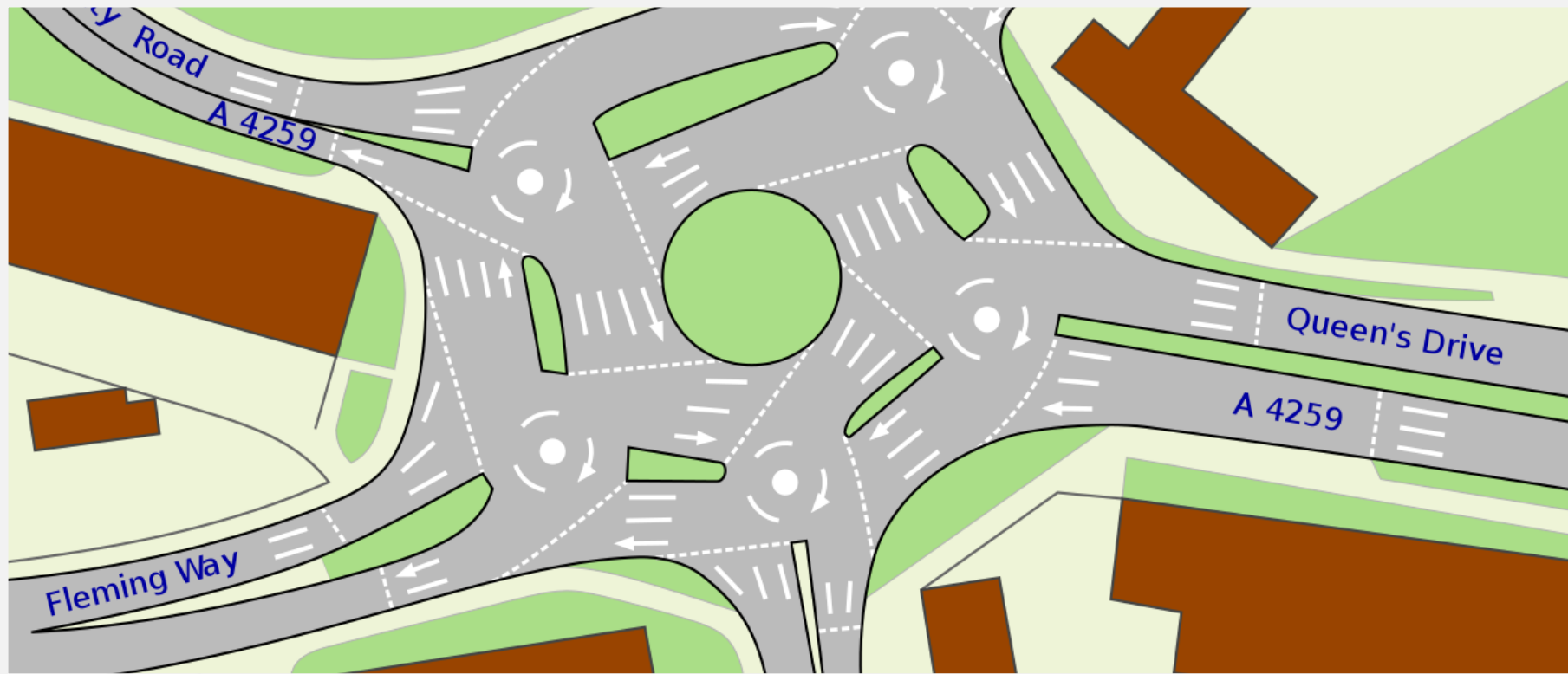
**These may not be as clear, or consistent, and may need further clarification**

You will need to consult all the relevant licences you hold that govern the content you wish to deliver to your TNE provision scenarios you have.

Publishers and vendors will take a variety of views on TNE scenarios, and differing levels of understanding of it. They may not actually own the content in question, and they may also be starting from a limited understanding of the educational sector.

It's likely that licences won't be clear on this matter, although it is sometimes clear that TNE is *excluded*, or, that a fee would apply in order to extend access to TNE students.

OK... so are *my* TNE students Authorised Users?



# **Jisc's TNE licensing approach**

Establishing if your TNE students are Authorised Users (or, not)

## HESA AOR – ‘Type of Activity’ codes

Code 1	Code 2	Code 3	Code 4
Overseas campus of UK HE education provider	Other arrangement including collaborative provision	Distance, flexible or distributed learning	Overseas partner organisation
Registered at UK HE education provider	Registered at UK HE education provider	Registered at UK HE education provider	Studying overseas for an award of the UK HE education provider
Studying overseas for UK HE education provider award at overseas campus of said UK HE education provider	Studying overseas for UK HE education provider award other than at an overseas campus of said UK HE education provider	Distance, flexible and distributed learning UK HE education provider award where the location of the student is known to be overseas	Students do not meet the definition of being ‘registered’ with the UK HE education provider.  They are reported as being ‘registered at an overseas partner organisation’

# Authorised Users in the Jisc Model Licence

## **TNE provision where student contractual affiliation is clear**

For Jisc licence agreements, where the standard Authorised User definition is unchanged, TNE students are Authorised Users when your institution formally reports them in the HESA AOR, Codes 1, 2 & 3.

They should 'registered' students of your university, that have entered into an educational contract with it. Contractually, they should be no different to your 'traditional' student body.

No further fees should apply.

# Authorised Users and ‘Types of Activity’ codes 1,2 & 3

Code 1	Code 2	Code 3	Code 4
Overseas campus of UK HE education provider	Other arrangement including collaborative provision	Distance, flexible or distributed learning	Overseas partner organisation
<b>Registered at UK HE education provider</b>	<b>Registered at UK HE education provider</b>	<b>Registered at UK HE education provider</b>	Studying overseas for an award of the UK HE education provider
Studying overseas for UK HE education provider award at overseas campus of said UK HE education provider	Studying overseas for UK HE education provider award other than at an overseas campus of said UK HE education provider	Distance, flexible and distributed learning UK HE education provider award where the location of the student is known to be overseas	Students do not meet the definition of being ‘registered’ with the UK HE education provider.  They are reported as being ‘registered at an overseas partner organisation’

## Additional Authorised Users (AAUs)

### **TNE provision where student contractual affiliation is less clear**

For Jisc licences, TNE students reported in the HESA AOR Code 4 cannot be considered Authorised Users.

Jisc call such students, *Additional* Authorised Users.

The nature of the partner relationship, the numbers involved at any single scenario, the location of the scenario, and the authentication set-up would be assessed, and a fee may reasonably apply.

Authentication should be robust, with access limited as appropriate.

## AAUs and ‘Type of Activity’ code 4

Code 1	Code 2	Code 3	Code 4
Overseas campus of UK HE education provider	Other arrangement including collaborative provision	Distance, flexible or distributed learning	Overseas partner organisation
Registered at UK HE education provider	Registered at UK HE education provider	Registered at UK HE education provider	Studying overseas for an award of the UK HE education provider
Studying overseas for UK HE education provider award at overseas campus of said UK HE education provider	Studying overseas for UK HE education provider award other than at an overseas campus of said UK HE education provider	Distance, flexible and distributed learning UK HE education provider award where the location of the student is known to be overseas	<p><b>Students do not meet the definition of being ‘registered’ with the UK HE education provider.</b></p> <p><b>They are reported as being ‘registered at an overseas partner organisation’</b></p>



# AAUs & the Jisc model licence (1)

## **Licence addendum: "Additional Authorised Users"**

Individuals who qualify as authorised users and can perform the same activities as Authorised Users under this Licence (subject to the payment of the AAU Fee) but for monetary purposes are not included in the Licence Fee.

Additional Authorised Users are users at a Partner Organisation for which the Institution has agreed with the Publisher to pay the AAU Fee.

## **AAUs & the Jisc model licence (2)**

### **Licence addendum: "AAU Fee"**

The fee for access and use of the Licensed Material by Additional Authorised Users at a Partner Organisation calculated in accordance with Licence Schedule 3.

For the avoidance of doubt, the AAU Fee could be set at zero.

## **AAUs & the Jisc model licence (3)**

### **Licence addendum: "AAU Fee Quotation"**

The quotation of the AAU Fee, provided by the Publisher to the Institution at the request of the Institution to include Additional Authorised Users from Partner Organisations.

## **AAUs & the Jisc model licence (4)**

### **Licence addendum: "Partner Organisation"**

Any organisation for which the Institution has agreed with the Publisher in writing to pay the AAU Fee(s) or that there is no AAU Fee.

# **Advice & guidance, best practice, and what to expect**

(Because not all TNE relevant content is governed by Jisc's Model Licence)

## Untangling things (often in retrospect)



# Advice & guidance, best practice, and what to expect (1)

## Internal activities

- Establish whether the TNE students studying for one of your awards, are also 'registered' with your institution, or not
- Ideally, have discussions (at your institution) about content needs (a *long* time) before collaborations begin
- Focus on scenarios where content is needed – it isn't always
- Focus on what content is needed – it won't all be needed
- Think about managing access (and factor in IT timelines)

# Advice & guidance, best practice, and what to expect (2)

## When discussing with publishers

- Be precise, clear & consistent with language used.
- Allow plenty of time for discussions, with all parties...and be prepared to explain. A lot.
- Anticipate the possibility of additional fees and be prepared to negotiate on these.
- Seek pricing transparency for all extended licensed access.
- Don't rely on verbal agreements - establish any agreement in writing, and ideally, get any agreement written into licence.
- Remember: the answer from the vendor could be no, even for 'registered TNE students.



# Advice & guidance, best practice, and what to expect (3)

## Collective action

- Adopt the language and principles of the Jisc licensing approach to continue to build shared understanding and a consistent, unified language with publishers in relation to licence agreements.
- If licensing for TNE is important to your institution, consider joining the growing community of subscribers to Jisc's optional service, Transnational education licensing, to support and grow a consortial response.

# Transnational education licensing

**A Jisc service offered in response to the challenges TNE creates for UK HE libraries – offering advice, guidance, and licensing routes to improve:**

- Clarity around 'Authorised Users' in content licences, and the ability to also deliver content to the broader spectrum of TNE provision
- Data relating to students and their contractual affiliation
- Content owner perspectives (and understanding) of TNE
- The associated costs (time and monetary) for extending access to licensed content
- The technical challenges associated with managing secure content access

<https://www.jisc.ac.uk/transnational-education-licensing>

**P.S. We are enhancing TNE Licensing to also address UK HE collaborative partnerships, too.**

**Get in touch if you want to know more.**

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